

JOURNAL OF THE HOUSE.

Thursday, June 16, 2005.

Met according to adjournment, at eleven o'clock A.M., in an Informal Session, with Mr. Donato of Medford in the Chair (having been appointed by the Speaker, under authority conferred by Rule 5, to perform the duties of the Chair).

Prayer was offered by the Reverend Robert F. Quinn, C.S.P., Chaplain of the House, as follows:

God, Our Creator, we pause for a moment to turn our thoughts and attention to You and to the relevance of spiritual value in our daily lives. We are grateful for the spiritual and material blessings which we enjoy but often take for granted. The celebration of tomorrow's holiday, Bunker Hill Day, reminds us of the dedication and the sacrifices of the men and women who made our nation a reality and the land of freedom. Today as citizens we respect the freedom and the rights of all to express their basic connections even when we disagree with their values and vision. But we depend upon Your help to remain faithful to our principles and religious beliefs and values.

Prayer.

Grant Your blessings to the Speaker, the members and employees of this House and their families. Amen.

At the request of the Chair (Mr. Donato), the members, guests and employees joined with him in reciting the pledge of allegiance to the flag.

Pledge of
allegiance.

Resolutions.

The following resolutions (filed with the Clerk) were referred, under Rule 85, to the committee on Rules:

Resolutions (filed by Mr. Atsalis of Barnstable) observing June 23, 2005 as the Cape Cod Crusade Against Cancer Day; and

Crusade Against
Cancer Day.

Resolutions (filed by Mr. Fresolo of Worcester) congratulating Mr. and Mrs. Peter F. Sena on the occasion of their fiftieth wedding anniversary;

Peter
and Joanne
Sena.

Mrs. Harkins of Needham, for the committee on Rules, reported, in each instance, that the resolutions ought to be adopted. Under suspension of the rules, in each instance, on motion of Ms. Wolf of Cambridge, the resolutions (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted.

Reports of Committees.

By Mr. Scaccia of Boston, for the committee on Rules and the committees on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the following petitions:

Petition (accompanied by bill) of William Smitty Pignatelli relative to authorizing the Division of Capital Asset Management and Maintenance to lease certain property in the town of Great Barrington; and

East Warner
Mountain.

Mental
health
facilities.

Petition (accompanied by bill) of Thomas M. Stanley relative to the consolidation of certain mental health facilities for the purpose of creating surplus land;

Severally to the committee on Bonding, Capital Expenditures and State Assets.

Children,
services.

Petition (accompanied by bill) of George N. Peterson, Jr., for legislation to increase the age of children in need of services in the Commonwealth. To the committee on Children and Families.

Retailers,
rebates.

Petition (accompanied by bill) of Louis L. Kafka that retailers be required to provide rebates at the time of purchases by consumers; and

Public
charities.

Petition (accompanied by bill) of Daniel E. Bosley relative to the financial integrity of public charities;

Severally to the committee on Consumer Protection and Professional Licensure.

Limited
liability
companies.

Petition (accompanied by bill) of Jennifer M. Callahan for legislation to reduce the fee for filing for certificates of organization by limited liability companies;

Standardbred
program.

Petition (accompanied by bill) of Christopher J. Donelan and Daniel E. Bosley relative to the Standardbred Breeding Program; and

Mystic Valley
Development
Commission.

Petition (accompanied by bill) of Edward G. Connolly relative to the Mystic Valley Development Commission;

Severally to the committee on Economic Development and Emerging Technologies.

Public
school,
sports.

Petition (accompanied by bill) of Peter J. Koutoujian and Cynthia S. Creem for legislation to provide that the science of sports psychology be taught to participants in athletic programs of middle schools and high schools in the Commonwealth;

Pupil
transportation.

Petition (accompanied by bill) of Lewis G. Evangelidis relative to the transportation of pupils; and

Elementary
principals,
salaries.

Petition (accompanied by bill) of Christopher G. Fallon for legislation to restrict salary increases for elementary school principals for non-performance scores under the Massachusetts Comprehensive Assessment System;

Severally to the committee on Education.

Web sites,
candidates.

Petition (accompanied by bill) of John J. Binienda and others for legislation to regulate the registration of certain web sites by political parties and committees and candidates for public office;

State
primaries.

Petition (accompanied by bill) of William Lantigua relative to the date for holding state primaries;

Special
elections.

Petition (accompanied by bill) of Frank I. Smizik and others relative to special elections for vacancies in the General Court;

Voter
registration.

Petition (accompanied by bill) of Susan W. Pope and others relative to the registration of voters; and

Voters,
registration.

Petition (accompanied by bill) of Susan W. Pope and others for legislation to further regulate the registration of voters in the Commonwealth;

Severally to the committee on Election Laws.

Inland
waters,
protection.

Petition (accompanied by bill) of James M. Murphy relative to the protection of inland waters;

Petition (accompanied by bill) of James M. Murphy for legislation to establish the lake restoration and preservation fund and program within the Department of Environmental Protection;

Lakes,
restoration.

Petition (accompanied by bill) of Christopher J. Donelan relative to the granting of permits for open burning during certain months of the year;

Open
burning.

Petition (accompanied by bill) of Gloria L. Fox and others relative to health, safety and environmental protection from toxic biological agents;

Toxic
biological
agents.

Petition (accompanied by bill) of Matthew C. Patrick for legislation to further regulate the discharge of sewage from marine vessels into waters of the Commonwealth;

Marine vessels,
sewage
discharge.

Petition (accompanied by bill) of George N. Peterson, Jr., for legislation to further regulate the trapping of fur-bearing animals; and

Animal traps,
regulating.

Petition (accompanied by bill) of Marie J. Parente relative to the deposit of fees for the checking of deer into the Inland Fisheries and Game Fund;

Deer,
checking
fees.

Severally to the committee on Environment, Natural Resources and Agriculture.

Petition (accompanied by bill) of Arthur J. Broadhurst for legislation to repeal the law relative to no-fault motor vehicle insurance;

No-fault
vehicle
insurance.

Petition (accompanied by bill) of Thomas P. Kennedy relative to the safe driver insurance plan;

Safe driver
insurance.

Petition (accompanied by bill) of James T. Welch relative to health insurance for certain members of the National Guard; and

National Guard,
health
insurance.

Petition (accompanied by bill) of Louis L. Kafka for legislation to regulate the classification or risks for insurance for operators of motorcycles;

Motorcycles,
insurance.

Petition (accompanied by bill) of Virginia Rowland and others relative to the use of certain insurance underwriting guidelines for homeowners with dogs living on such insured property; and

Dogs,
insured
property.

Petition (accompanied by bill) of Ronald Mariano relative to independent licensed insurance providers;

Independent,
insurance
producers.

Severally to the committee on Financial Services.

Petition (accompanied by bill) of Marie J. Parente and Richard T. Moore relative to the financial responsibility for non-covered services provided by nursing homes. To the committee on Health Care Financing.

Nursing
facilities,
repayments.

Petition (accompanied by bill) of Jeffrey Sanchez for legislation to authorize the Supreme Judicial Court to establish a sick leave bank for Vanessa Scott-Brown, an employee of said court;

Vanessa
Scott-Brown,
sick leave
bank.

Petition (accompanied by bill) of Eugene L. O'Flaherty relative to liens by attorneys in cases involving contingent fee agreements with clients;

Attorney
fees,
liens.

Petition (accompanied by bill) of James E. Vallee and others relative to the penalties for leaving the scene of an accident after causing serious bodily injury;

Accidents,
leaving
scene.

Petition (accompanied by bill) of Robert A. DeLeo and others for legislation to further regulate the testimony of children in certain criminal proceedings;

Children,
court
testimony.

V. Scott-

Brown and
S. Glennon,
sick leave
bank.

Emancipation
age.

Over the
counter
substances.

Sex
offenders,
level 3.

Children,
sexual
exploitation.
Restraining
orders,
perjury.

Domestic
abuse,
procedures.
Strategic
litigation,
motions.

Children,
employment.

Fernald
State
School,
study.

Municipal
boards,
meetings.

Federal
firearms
licensees.
Tsunami
warning
system.

Hunting,
Sundays.

Walkways,
electrical
hazards.
Law Enforcement
Memorial
Fund.

Air conditioning
units,
inspection.

Nurses,

Petition (accompanied by bill) of A. Stephen Tobin for legislation to establish a sick leave bank for Vanessa Scott-Brown, an employee of the Supreme Judicial Court, and Sean Glennon, an employee of the Trial Court of the Commonwealth;

Petition (accompanied by bill) of Philip Travis and another relative to child support;

Petition (accompanied by bill) of Walter F. Timilty and others relative to the penalties for selling a certain controlled substance to persons under the age of eighteen;

Petition (accompanied by bill) of Marie J. Parente that level 3 sex offenders be banned from the vicinity of certain schools and playgrounds;

Petition (accompanied by bill) of Anthony J. Verga and others relative to the penalty for sexual exploitation of children;

Petition (accompanied by bill) of Philip Travis relative to imposing a penalty for committing perjury in obtaining restraining orders;

Petition (accompanied by bill) of Philip Travis relative to court proceedings in certain domestic abuse allegations; and

Petition (accompanied by bill) of Philip Travis for legislation to regulate special motions to dismiss complaints alleging abuse of process or malicious prosecution relative to strategic litigation against public participation in certain judicial proceedings;

Severally to the committee on the Judiciary.

Petition (accompanied by bill) of Michael E. Festa and Vincent A. Pedone relative to certain employment practices in connection with children's marketing activities. To the committee on Labor and Workforce Development.

Petition (accompanied by bill) of Thomas M. Stanley and others for an investigation by a special commission (including members of the General Court) relative to the misclassification and misdiagnosis of former residents of the Fernald State School. To the committee on Mental Health and Substance Abuse.

Petition (accompanied by bill) of Barry R. Finegold and others for legislation to further regulate meetings of municipal boards. To the committee on Municipalities and Regional Government.

Petition (accompanied by bill) of Frank M. Hynes relative to federal firearm licensees;

Petition (accompanied by resolve) of James M. Murphy and others for an investigation by a special commission (including members of the General Court) relative to a tsunami early warning system;

Petition (accompanied by bill) of Daniel Simkewicz and others relative to hunting on Sundays;

Petition (accompanied by bill) of Paul C. Casey and another relative to undetected live electrical wiring on walkways and streets;

Petition (accompanied by bill) of Walter F. Timilty relative to establishing the Massachusetts law enforcement memorial fund; and

Petition (accompanied by bill) of Ronald Mariano relative to inspection requirements for certain refrigeration and air conditioning units;

Severally to the committee on Public Safety and Homeland Security.

Petition (accompanied by bill) of Frances Johnson relative to creditable service for school nurses;

Petition (accompanied by bill) of Antonio F.D. Cabral relative to creditable service for Jose Antonio Raposo;

Petition (accompanied by bill) of Matthew C. Patrick relative to public employees in the armed forces;

Petition (accompanied by bill) of Brian S. Dempsey relative to certain members of the teachers' retirement system;

Petition (accompanied by bill) of Brian McNally relative to reclassifying emergency telecommunications police dispatchers in certain cities and towns of Hampden County in Group 2 of the public employees retirement system;

Petition (accompanied by bill) of John Hynes relative to creditable service for certain veterans;

Petition (accompanied by bill) of Lewis G. Evangelidis relative to retirement benefits of certain employees of the University of Massachusetts and UMass Memorial Health Care,;

Petition (accompanied by bill) of Jay R. Kaufman relative to retirement benefits for James Banks;

Petition (accompanied by bill) of Harold P. Naughton, Jr., and James B. Eldridge relative to death benefits for volunteer fire fighters and other volunteer public safety personnel;

Petition (accompanied by bill) of Carolyn J. Whittaker that the State Retirement Board be directed to grant certain creditable service to Carolyn J. Whittaker;

Petition (accompanied by bill) of James E. Vallee relative to the definition of "public employee" under the claims and indemnity procedures of the Commonwealth;

Petition (accompanied by bill) of Edward G. Connolly relative to the retirement allowance payable to Ralph Cecere, a former teacher in the city of Everett;

Petition (accompanied by bill) of Thomas J. O'Brien for legislation to require annual audits of health insurance claims trust funds in subdivisions of the Commonwealth; and

Petition (accompanied by bill) of Mark V. Falzone for legislation to place custodians in Group 2 of the public employees retirement law;

Severally to the committee on Public Service.

Petition (accompanied by bill) of James M. Murphy relative to cardiac angioplasty;

Petition (accompanied by bill) of Thomas P. Kennedy relative to the filling of prescriptions for class three testosterone medication;

Petition (accompanied by bill) of Alice Hanlon Peisch relative to the installation of defibrillators on commuter rail trains;

Petition (accompanied by bill) of Christopher G. Fallon relative to the testing of food handlers for Hepatitis A;

Petition (accompanied by bill) of Paul K. Frost and others relative to cord blood banking;

Petition (accompanied by bill) of Thomas A. Golden, Jr., and others relative to required coverage for ambulance service by the Division of Medical Assistance;

creditable
service.

Jose Antonio
Raposo.

Public
employees.

Coaches,
retirement.

Police
dispatchers.

Veterans,
retirement.

UMass
memorial
health care.

James
Banks,
retirement.

Volunteer
firefighters,
death benefits.

Carolyn
Whittaker,
creditable
service.

Public
employee,
definition.

Everett,
Ralph
Cecere.

Health
insurance,
trust funds.

Custodians,
Group 2
retirement.

Cardiac
angioplasty.

Controlled
substances.

Commuter
rail,
defibrillators.

Hepatitis A,
food handlers.

Cord blood
banking.

Ambulance
service,
coverage.

Medical

peer
review.

EMTs,
reciprocity.

Autism,
reporting.

Sonographers
and
vascular
technologists.

Long-term
care
facilities.

Needle
exchange
programs.

Drugs,
clinical
trials.

Telecommu-
nications.

Oil tanks,
removal.

Real property
tax
exemption.

Local option
gasoline tax.

Local option
sales tax.

Tax
proposition 2½.

Elderly,
real property
assessments.

Indigent
persons,
counsel.

Poet
laureate,
designation.
Peabody,
land
conveyance.

Electricity,

Petition (accompanied by bill) of Thomas A. Golden, Jr., and others relative to the definition of the term medical peer review committee;

Petition (accompanied by bill) of Thomas A. Golden, Jr., and others relative to the certification of emergency medical technicians;

Petition (accompanied by bill) of Barbara A. L'Italien that medical and health personnel be directed to report the examination or treatment of patients afflicted with autism to the Department of Public Health;

Petition (accompanied by bill) of Colleen M. Garry and Susan C. Tucker relative to the credentialing of sonographers and vascular technologists providing ultrasound diagnostic services;

Petition (accompanied by bill) of Matthew C. Patrick relative to terminating residency agreements in long-term care facilities upon the death of patients;

Petition (accompanied by bill) of Michael J. Rodrigues and Mary S. Rogeness relative to the approval of needle exchange programs in cities and towns; and

Petition (accompanied by bill) of Anthony J. Verga and others relative to clinical trials of drugs;

Severally to the committee on Public Health.

Petition (accompanied by bill) of David M. Nangle relative to the taxation of telecommunication services and bundled telecommunication services;

Petition (accompanied by bill) of Mary S. Rogeness for legislation to grant an income tax credit for the removal of oil tanks;

Petition (accompanied by bill) of Philip Travis relative to real estate tax exemptions for certain veterans;

Petition (accompanied by bill) of Nowell Francis relative to a local option gasoline tax;

Petition (accompanied by bill) of Nowell Francis relative to a local option sales and use tax;

Petition (accompanied by bill) of Richard Tracy and Peter V. Kocot relative to tax proposition two and one-half, so-called, in towns with an open town meeting form of government; and

Petition (accompanied by bill) of Matthew C. Patrick relative to the assessment of real property of certain elderly persons;

Severally to the committee on Revenue.

Petition (accompanied by bill) of John Rogers relative to the special commission on the provision of counsel services to indigent persons. To the committees on Rules of the two branches, acting concurrently.

Petition (accompanied by bill) of Paul K. Frost for legislation to establish the position of poet laureate of the Commonwealth; and

Petition (accompanied by bill) of Joyce A. Spiliotis and Frederick E. Berry (with the approval of the mayor and city council) for legislation to authorize and direct the Division of Capital Asset Management and Maintenance to convey a certain parcel of land to the city of Peabody;

Severally to the committee on State Administration and Regulatory Oversight.

Petition (accompanied by bill) of Matthew C. Patrick and others for legislation to further regulate the billing for use of electricity and the transmission and supply of such energy in the Commonwealth; and

Petition (accompanied by bill) of John J. Binienda and others relative to the sale of pre-paid cellular phones;

Severally to the committee on Telecommunications, Utilities and Energy.

Petition (accompanied by bill) of William M. Straus and others relative to allowing hybrid electric vehicles to operate in high occupancy vehicle lanes in the Commonwealth;

Petition (accompanied by bill) of Andrea F. Nuciforo, Jr., for legislation to designate a certain bridge in the town of Dalton as the Patrick-John Muraca and Gary Thomas Benjamin Bridge;

Petition (accompanied by resolve) of Edward G. Connolly for an investigation by a special commission (including members of the General Court) relative to the feasibility of the Massachusetts Bay Transportation Authority making certain payments to cities and towns in lieu of taxes; and

Petition (accompanied by bill) of Edward G. Connolly that the Port Authority be directed to provide certain discount fares for residents of the city of Everett;

Severally to the committee on Transportation.

Under suspension of the rules, on motion of Ms. Wolf of Cambridge, the reports were considered forthwith. Joint Rule 12 then was suspended, in each instance. Severally sent to the Senate for concurrence.

By Mr. Koutoujian of Waltham, for the committee on Public Health, asking to be discharged from further consideration of the petition (accompanied by bill, House, No. 895) of Bradley H. Jones, Jr., and others relative to the deliberate spread of contagious diseases,— and recommending that the same be recommitted to the committee on the Judiciary. Under Rule 42, the report was considered forthwith; and it was accepted. Sent to the Senate for concurrence.

By Mrs. Owens-Hicks of Boston, for the committee on Children and Families, asking to be discharged from further consideration

Of the petition (accompanied by bill, Senate, No. 66) of Harriette L. Chandler and Robert A. Antonioni for legislation to increase participation in universal school breakfast programs for low income students,— and recommending that the same be referred to the committee on Education; and

Of the petition (accompanied by bill, Senate, No. 106) of Richard T. Moore, Shirley Gomes, Edward G. Connolly, Robert L. Hedlund and other members of the General Court for legislation to provide pediatric palliative care to children with life-limiting illness in the Commonwealth,— and recommending that the same be referred to the committee on Public Health.

Under Rule 42, the reports severally were considered forthwith; and they were accepted. Severally sent to the Senate for concurrence.

supplies.

Pre-paid
cellular
phones,
sale.

Electric
and hybrid
vehicles.

Muraca-
Benjamin
Bridge.

M.B.T.A.,
local
payments.

Everett,
Port
Authority.

Deliberate
spread of
contagious
diseases.

School
breakfast,
participation.

Pediatric
palliative
care.

Filmmaking,
encourage.

By Mr. Turkington of Falmouth, for the committee on Tourism, Arts and Cultural Development, asking to be discharged from further consideration

Motion
pictures,
tax credit.

Of the petition (accompanied by bill, Senate, No. 1842) of Brian P. Lees, Bruce E. Tarr, Michael R. Knapik and Scott P. Brown for legislation to encourage filmmaking in the Commonwealth; and

Of the petition (accompanied by bill, Senate, No. 1843) of Brian P. Lees, Bruce E. Tarr and Scott P. Brown for legislation relative to tax credits for motion pictures;

And recommending that the same severally be referred to the House committee on Ways and Means.

Under Rule 42, the reports severally were considered forthwith; and they were accepted. Severally sent to the Senate for concurrence in the discharge of the committee.

Mattapoisett
Communications
services.

By Ms. Kaprielian of Watertown, for the committee on Municipalities and Regional Government, on a petition, a Bill relative to Mattapoisett communication services (House, No. 4097). Read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Orders of the Day.

Third
reading
bills.

House bills

Relative to the designation of a certain overpass in the city of New Bedford (House, No. 3838) (its title having been changed by the committee on Bills in the Third Reading); and

Authorizing the town of Milton to appropriate money for retroactive wage adjustments (House, No. 4114);

Severally reported by the committee on Bills in the Third Reading to be correctly drawn, were read a third time; and they were passed to be engrossed. Severally sent to the Senate for concurrence.

Order.

Next
sitting.

On motion of Mr. DiMasi of Boston,—

Ordered, That when the House adjourns today, it adjourn to meet on Monday next at eleven o'clock A.M.

At fourteen minutes after eleven o'clock A.M., on motion of Ms. Rogeness of Longmeadow (Mr. Donato of Medford being in the Chair), the House adjourned, to meet on Monday next at eleven o'clock A.M., in an Informal Session.